GOVERNMENT OF MADRAS. Sectt. II-16—55,006—4

M P.W (1955.) Department.

24

~~Endorsement~~
~~D.O.~~
Memorandum
~~Lodged~~

No. 33495 M/55-2

Dated 16-5- 1955.

Closed
8/11/55
Sd/-

FURTHER PAPERS.

Department.	Number.	Series.	Date.

Office of the Chief Engineer, PWD.,
General, Chepauk, Madras.

Endorsement No.191 E.II-1/55-5 dated 13-4-55

****

Sub: Establishment - Madras Engineering Subordinate Service - Candidates recruited against reserved vacancies counting of Military service for seniiority -

Read: From Sri A.M. Ramakrishnan, Supervisor, petition d/21-3-55

Read: From the Project Executive Officer, Mangalore No.909 E. d/4-4-55.

Forwarded.

2. The Supervisor has been confirmed against one of the War Reserved vacancies with effect from 29-1-48. His request to fix his seniority with reference to the old Rule 6 B. is not admissible with reference to the instructions in the Government memo No.29342-M/52-19 d/16-3-54.

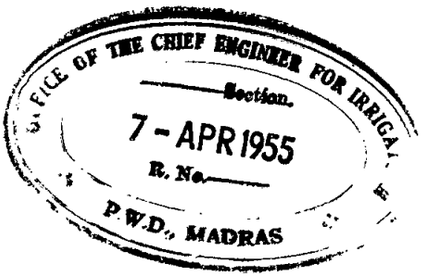
for ChiefEngineer, PWD. (Gl.&B).

To the Secretary to Government,
Public Works Department.
with petition in original.

ska/18-4-55.

From

Sri A.M.Ramakrishnan,
Supervisor, Mangalore,
Community Project,
South Kanara,
Mangalore.



To

The Secretary to Government,
Public Works Department,
Madras.

Through the Proper Channel.

Sub: ESTABLISHMENT - Madras Engineering Subordinate Service - Candidates recruited against Reserved Vacancies - Counting of Military Service for Seniority - Request orders.

Ref: Memorandum No. 191-E.II-1/55-1 dated 28th January, 1955 of the Chief Engineer, (P.W.D.) Madras.

I am a candidate appointed in 1946 as a supervisor in the Madras P.W.D. against reserved vacancies for war service personnel. By that time I had already completed 5½ years of active military service which was mostly in the advance fighting area in the front line itself unlike other candidates recruited from the Madras Engineering College in 1941. When I entered service in Madras P.W.D., the old rule 6-B of War Services Personnel Recruitment Rules 1941 was in force and my seniority should have been fixed then with reference to the said rule. Since it was not done, I have been periodically putting in applications to the Chief Engineer (General) Madras to fix my seniority with reference to the old Rule 6-B. My applications dated 27-6-1947; 16-3-1948; 10-5-1949; 28-8-1949; 18-11-1951 and 15-3-1954 requesting for fixing my seniority did not have any response except in 1949 Chief Engineer's Memorandum No. 7626-E2/48-2 dated 6-10-1949 stating that the counting of Military Service was under examination in his office. Relying on this, I was patiently awaiting with the hope that proper justice will be meted out to me.

Finally, on my appeal dated 23-7-54 and also 23-12-54 to the Chief Engineer (General) Madras I received the reply that my request to count war service for purposes of my

se

seniority in the category of supervisors is not admissible under the existing rules (copy of which is enclosed for favour of ready reference). This in effect, nullifies completely all my meritorious, sincere and conscientious service of 5½ years in the actual fighting area undergoing the severest hardships for the cause of country during the time of peril. If only my seniority has been fixed with reference to the old rule 6-B of the War Services Personnel Recruitment Rules 1941 read with old rule 29(e) of the General Rule for the State & Subordinate Service Rules, prior to the cancellation of the old rule 6-B I would not have lost my seniority which I am legitimately entitled to claim as an Ex-serviceman. I had applied for this concession as early as in 1947 itself periodically reminding the authorities to fix my seniority. For the delay in taking timely action by the authorities concerned I may not be penalised and the be deprived of the benefits granted by the Government on the simple technical ground that the seniority of all war service candidates which has not already been fixed under old rule 29(e) of the General Rules for the State & Subordinate services should be fixed now under rule 35(a) as reissued in G.O.No. 2687 Public (Service) dated 28-9-53 of the General rules, thereby my claim for seniority has been negatived. It is not proper and justifiable that the war service candidates who had actually served, and that too in the front line service, for the cause of the country in theatres of war and non-war service candidates should be placed on the same footing when there were specific orders that the war service candidates should be given special concession regarding conditions of service, higher initial pay, seniority, confirmation, etc. The rule in force at the time of my recruitment may kindly be given effect to and my seniority fixed, taking into account of my military service of 5½ years. In this connection, I may submit that if only orders were passed soon after my recruitment in the P.W.D. service , I would not have been adversely affected.

Further, I may bring to the kind notice of the Government, that during my entire period of continuous service, both in the Military which started on 15-4-1941 and also under the Civil authorities in Madras P.W.D. for nearly 15 years i.e. from 15-4-1941 to 20-3-1955 I had no occasion to receive any adverse remarks regarding my work or conduct.

In the circumstances mentioned above, I repeatedly request that the Government may be pleased to consider my heart-rending cause and give due weightage for my legitimate claims for seniority taking into account of my full service of 5½ years in the military for which act of kindness I shall be ever grateful to the Government.

Yours faithfully,

A.R. Ramakrishnan. 21/3/55

Supervisor, Mangalore.
Community Projects, South Kanara,
Mangalore.

Mangalore,
21--3--1955.

Advance Copy submitted to the Secretary, to Govt. Public Works Department, Madras, to save delay.

Transmitted and recommended to the Project Executive Officer for favourable Consideration.

The Supervisor is very smart and intelligent and carries out works speedily and efficiently. The bridges and the building that he has so far carried out during his Service in the Community projects have been appreciated by one and all. He is very prompt in the submission of estimate and deserves all encouragement.

In view of the above facts his seniority may also be considered for early promotion which he well deserves.

24-3
Divisional Engineer
Community Proj

(P.T.O)

PROJECT EXECUTIVE OFFICE
4 - APR 1955

909/55-E2

Forwarded to the Chief Engineer P.W.D General, Madras. for favour of orders.

2. Petitioner's case is really a hard one & deserves reconsideration. If his first appeal had been considered in time, the Govt would have given him the benefit of two increments for three years. The delay in considering his case has caused hardship. He is a senior man & his work in this Project has been quite satisfactory. I request that his case may be treated fairly & justly.

4.4.55 P.E.O

Pl issue
5/5 16/5 50/16/5

Memo No. 33495 M/55-2 Dated 16.5.55

Estt - P.W.D - Sri A.M. Ramakrishnan, Supervisor, Mangalore, Community Project - Request for ~~to~~ Counting war service for purposes of fixation of seniority - Petition - Rejected

Pl 3-7 C.f. Ref:- From Sri A.M. Ramakrishnan petition dt 21.3.55

Pl C.f. From the C.E. P.W.D (Gl) Endt. ~~letter~~ No. 191 E.II-1/55-5 dt 13.4.55

✓ Vide 'K' & 'M' on p5 C.f

The ✓request of the petitioner for the fixation of his seniority in the Category of Supervisors, taking into account the war service rendered by him, with reference to old rule 6-B of the Madras Civil Services (War Service Personnel) Recruitment Rules, which has been Cancelled with retrospective effect from the date on which it was introduced, is inadmissible and cannot be complied with. The petition cited is therefore rejected. The C.E. P.W.D (Gl) is requested to inform the petitioner accordingly.

Memo rec. 29342 M/5219 P.W. dt 16.3.54

& Vide 'X', Pl C.f. (B)

Vide Pl C.f (B)

++ Vide Pl C.f.

CENTRAL DESPATCH BRANCH

17/5 The C.E. P.W.D (Gl) (2.8.Cs)

3.5.55 3.5.55 5.5.55

P.T.O

Note :-

Please see the C.E. (Cf)'s Endt. and its enclosures on pp 1-9 Cf. The C.E.'s view on p.1 Cf. may be accepted and the petition rejected. Attention is invited in this connection to the discussions on pp 1-2 and 7-12 N.F. of and the memo on p.35 Cf. of (B). The Pub (Ser) dept. may see ~~before the~~ before issue of the draft memo overleaf.

3.5.55

3.5.55

4.5.55

Pub (Ser)

Public (Ser. C) dept

P.W.D lio. N 33495 M/55 5.55

The draft memo on page 1 ante may be perused and the file returned to P.W.D.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 6 MAY 1955 PUBLIC DEPARTMENT

9.5.55

10.5.55

P.W.D.

Pub (Ser-C) M.O. 2063/53-1

10-5-55

P.W.D (M3)

The draft memo on p.1 ante may issue.

ASST. SECRETARY TO GOVERNMENT 1 MAY 1955 PUBLIC WORKS DEPARTMENT

13.5.55

13/5/55.

-16-20 9

Copy of Government Public Works Department Memo No. 29342/M/52-19 dated 16th March, 1954.

Sub: Madras Engineering subordinate Service - supervisors War Service Candidates appointed to "Reserved Vacancies" - fixation of a seniority.

Ref: From the Chief Engineer, P.W.D.(General) Letters No. 4941-E2/47-19 dt.7-4-1952 and No. 4941-E2/47-46 dated 10-2-54.

...

The Chief Engineer (General & Buildings) is informed that old Rule 6-B of the Madras Civil Services (War Service Personnel) Recruitment Rules, which permitted war service candidates to count their war service for seniority, has been cancelled with retrospective effect, and that this cancellation was decided by the Government as a matter of policy based mainly on the consideration that a uniform policy should be adopted in the matter of fixation of seniority of all war service candidates appointed to reserved vacancies without effecting adversely the seniority of the non-war service candidates fixed from the date of their first appointment. The seniority of all war service candidates which has not already been fixed under old rule 29(e) of the General rule for the State and subordinate service, should therefore be fixed now under old rule 29(a) (now rule 35(a) as re-issued in G.O.No. 2687 Public (Service) dated 28-9-1953) of the General rules.

M. S. Ram,
Deputy Secretary to Government.

(True copy)

To
The Chief Engineer, (General & Buildings)

13

Office of the Chief Engineer, PWD (General)
Chepauk, Madras.5.

Endorsement No.191 EII-1/55-10 dated 26-9-1955.

READ:- From Sri A.M.Ramakrishnan, Supervisor, P.W.D.
on other duty in the Community Project,
Mangalore dated 18-7-1955.

FORWARDED to Government.

2. The petitioner request to count his War Service for purpose of seniority was negatived by Government in their Memorandum No.33495 M/55-2 dated 16-5-1955.

ASST. SECRETARY TO GOVERNMENT 12202 28 SEP 1955 PUBLIC WORKS DEPARTMENT

E II M (W)

B. S. Narayanan 27.9.55

for Chief Engineer, PWD (General)

To

The Secretary to Government,
Public Works Department,
Fort St.George,
Madras.

Encl: One Petition.

vts.27-9.

2 14

P.W.D (M3)

Please see the C.E.'s Endt. on p1 ante and its enclosures on pp 3-11 infra. On a perusal of the papers at (W) & (A) it is found that - G.O. No. 165 Pub (Sec) dt 21-1-47 and G.O. No. 975 Pub (Sec) dt 26.4.48 are also necessary for the disposal of this Case. These G.Os are being called for from the M.R.O. Time for a week is requested to obtain the G.Os and to submit this Case

7.X.55

7.10.55

21/10/55

27 25 15

From

Sri A.M. Ramakrishnan,
Supervisor, Mangalore,
Community Project S.K.,
Mangalore.

To

The Secretary to the Government,
Public Works Department,
M A D R A S.

Thro'
The Proper Channel.

Ref:- Govt. of Madras Public Works Dept. Memorandam No.33495 M/55-2, dated 16-5-'55.

Sub:- Establishment-Public Works Dept. Sri A.M. Ramakrishnan Supervisor, Mangalore Community Project- Request for reconsideration for fixing of seniority.

Sir,

I underwent the Upper Subordinate Engineering Course of the College of Engineering Guindy Madras in the year 1937-41. Immediately after the publication of the results myself and some of my class mates were interviewed by the Chief Engineer Southern Command in the presence of the Principal of the College of Engineering, Dr. K.C. Chakko for recruitment in the Army.

2 On the strong advice of the Principal we agreed to serve in the army and accordingly I received orders of posting from the Chief Engineer, Southern Command in his No. 10126/X/E1 Poona dated 28-3-1941 and posted me at Bangalore. I joined the army on 15th April 1941. Immediately after joining the army I received orders from the Executive Engineer, P.W.D. Water Supply and Drainage Division, Coimbatore in his No. 1175 M, dated 31-5-'41 posting me for my practical training in the water works sub Division at Calicut (copy enclosed). As I was in the army I could not accept the offer and a reply was also submitted by me to the Executive Engineer thro my Garrison Engineer Jalahally (Bangalore) expressing my position and my inability to accept the offer at that time.

3 I served in the army for nearly 5½ years out of which a major portion of my military service was in the actual fighting area in Assam, Manipur and also at the Border of Burma and Chittagong front in the thick of the fight itself. I was given to understand by the military authorities that on the cessation of the hostilities and

on my discharge from the military I will have better prospects in my Civil employment and my war service will be given due consideration in the service conditions. Towards the middle of October 1946 I decided to get myself releived from the Military and accordingly applied for aCivil post to the Chief Engineer, P.W.D. Madras thro' my Garrison Engineer vide his No. 1047/3162/E, dated 19-9-'46 submitted thro' C.R.E., Coimbatore. My application was favourably recommended and forwarded by G.E., Coimbatore, to the Chief Engineer Buildings and General Madras. The Chief Engineer was pleased to appoint me as a Temporary Supervisor in the P.W.D., in Coimbatore Circle in his proceedings No. 2580/E.2/46-4, dated 12-9-1946. Thereafter, I got my discharge from the Military in October 1946 and as I was not keeping good health I availed myself of a short spell of leave to recoup my health. I joined duty thereafter in Wynaad Colonisation Sub. Divn. (Special Div. Coimbatore in P.W.D.) on 17-12-'46.

4 In October '47, I had applied to the Public Service Commission for regular appointment as a Supervisor both in response to their notification (1) calling for application for recruitment of regular supervisors (2) Recruitment against war reserved vacancies. I was interviewed by the Commission on 11-12-'47 and again Interviewed on 29-1-'48 and was finally selected for appointment against a war reserved vaccancy evidently for the reason that I was a war returned candidate.

5 In Chief Engineer's (General) Madras, Proceedings No.4941 E2/47-18, dated 7-4-'52 I was declared to have commenced my probation with effect from 29-1-'48. In Chief Engineer's Proceedings No. C. 3013/54 CR, dated 12-11-'54 I was declared as an approved probationer (w.e.f.) 8-5-'54 and I was also confirmed in the post of supervisor w.e.f. 29-1-'48 against the war reserved vacancy.

6 In my Petition dated 23-7-'54 to the Chief Engineer(General) Madras, I requested that my seniority might be revised taking

into consideration my long war service from 15-4-'41 onwards and I was informed in Chief Engineer's Memo No. 191 E2/1-55, dated 28-1-'55 (copy enclosed) that my request to count my war service for purposes of seniority in the category of supervisors was not admissible under the rules and that the seniority would be with reference to the date of commencement of probation namely 29-1-'48. I invite attention to my appeal petition to the Govt. dated 21-3-'55 requesting that my claims for seniority taking into account my service of 5½ years in the military as explained in the petition, might be favourably considered and the Govt. orders thereon in Memo No. 33495 M/55-2, dated 16-5-'55 communicated by the Chief Engineer with his endorsement No. 191/E 11-1/55-6, dated 31-5-'55, wherein my request was negatived by the Govt.

I submit below the following points for sympathetic consideration by the Govt. and issue of favourable orders:-

1. As explained in Para (1) above, I agreed to serve in the Military on the advice of the then Principal, Dr. K.C. Chakko of the College of Engineering Guindy, Madras and also the Chief Engineer Southern Command, Poona. In this connection I enclose a copy of the letter dated 22-9-194 from the Principal of the Engineering College, Guindy Madras wherein he has recommended me for Commission in the Indian Engineers and it may please be seen therefrom that I was amongst the 1st batch of students of the Guindy College who took up service in the Military Engineering in April 1941 immediately after completion of the Course. Although most of my College mates and Class mates of the 1st batch of 1941 refused to be dragged in the Military service when the Country was in dire need of technical personnel I, with all innocence cherishing the future prospects, joined the army and served the same in most difficult, dangerous and critical situations and places, always moving in the advance forefront of the thick of the fight in Dimapur, Joharhut Gaughte etc., in Assam and Kohima, Pallel Imphal, Tiddim etc., upto the Burma border in Manipur State and Manamati, Gumilla, Mymensign in South East Asia Command where the situation was critical and dangerous in 1942-44 during the Japanese flare up when we were all trapped inside

18 6

Manipur Capital Imphal. In all these situations without a grumble or protest I sincerely and conscientiously served the Govt.always dreaming of the future prospects that I might get when I join the civilian service. The latest orders of the Govt.have hit me hard in not recognising my war service of 5½ years. Now I find that many of my juniors in the College are all above me in service. If I had also joined duty in P.W.D, in 1941 itself with reference to the orders of the Executive Engineer, P.W.D., Water Supply and Drainage Division referred to in Para (2) above, I would have had my legitimate seniority and promotion which has been given to most of my class mates in P.W.D. My military service has now adversely affected my prospects and promotions in this Department instead of giving me any better claims over my class mates, who chose to remain in Civil employment.

8 In the circumstances explained above, I request that Govt. may be pleased to reconsider my hard case and I may be allowed to count my war service for purpose of seniority according to the orders originally in force, as a special case. If the Govt. are, for any reason, unable to comply with this request, I most humbly request that Govt. may be pleased to permit me to count my seniority atleast with effect from the date of my 1st joining in the P.W.D. namely 17-12-1946; instead of from 29-1-'48 by relaxing the relevant rules if any for which act of kindness, I shall be ever grateful.

I beg to remain,
Sir,
Yours faithfully,

A.M. Ramakrishnan 18/7/55

(A.M. RAMAKRISHNAN)

Advance copy submitted to the Secretary to Government, Public Works Department, Madras, to save delay.

PROJECT EXECUTIVE OFFICE 24 JUL 1955 BANGALORE

1971/55.

Forwarded to the Chief Engineer P.W.D (General Branch), Madras.

2. The case of the petitioner is obviously a hard one & deserves special consideration. His work in this circle for the last 2½ years has been quite satisfactory.

A Narasimhan

34 7 19

PROCEEDINGS OF THE Executive Engineer, Water Supply and Drainage
MEMORANDUM Division, Coimabtore.

Post Box No. Telegraphic Address.
Name. Sri N. Padmanabha Ayyar, B.A., B.E.
No. 1175 M, dated 31-5-1941.

Short title- Practical Training-Upper Subrordinate student reposting of.

--

READ- the following-

Sri. A. M. Ramakrishnan, Upper Subordinate student posted to this division for Practical training is reposted to Calicut Water Works Sub Division, Calicut, for training on Calicut Water Supply Scheme. He should report himself to the Sub Divisional Officer, Calicut Water Works Sub Division at Calicut.

Sd. N. Padmanabha Ayyar, 30-5-41.
Executive Engineer.

1. Copy to Sri . A.M.Ramakrishnan, C/o Sri M. Chathunni Kurup.
Near ~~Vernary~~ Veternery Hospital, Calicut.

(True copy).

J.J. RUDRA, MBE.M.A.Phd.,
Aiisc. Miee. Memaiee,
PRINCIPAL.

32 9

College of Engineering, 21
Saidapet P.O., Madras.
22-9-1943.

Mr. A.M.Ramakrishnan was student of this College during the sessions of 1937-41. He passed the Upper Subordinate Diploma examination of the College in Civil Engineering in 1941. His wwork and conduct in the College were very satisfactory. He is a smart and active young man and he represented the College in Cricket and Boxing and played other games. He was the Vice-President of the College Students' Association.

Mr. Ramakrishnan was amongst the first batch of students from this College who took up service in the military Engineering service in April 1941 immediately after completion of their course. He is also among the few of this batch who are still serving the military Engineering Service. Referring to the requirements of Commissioned Officers in the Engineers, I am of opinion that Mr. Ramakrishnan possess the necessary technical knowledge for commission in the Indian Engineers, and I shall be ~~glad~~- very glad if his case is given a serious consideration for Commission in the Indian Engineers taking into account his record in a College of University Standard and in the Military Engineering Service. None of the successive batches of students who have entered the Military Engineering Service since 1941 , has as far as I know , been awarded a Commission in the Indian Engineers and the result of this has been that no students from this College are now going into the Military Engineering Services. It would be a very good incentive for prospective entrants into the Military Engineering Service if some of these young men are given commission.

Sd/- J.J. Rddra.
PRINCIPAL.

(True copy).

33 11/ 23

(True copy).

Office of the Chief Engineer, P.W.D.,
General, Chepauk, Madras.

Memorandum No. 191 EII-1/55-1 dated 28th January 1955.

Sub:- Establishment- Madras Engineering Subordinate Service- Sri A.M. Ramakrishnan- Supervisor- War Service Candidate- counting of Military Service -Reg:

Ref:- From Sri A.M. Ramakrishnan, Supervisor, dt. 23-7-54.
-do- -do- dt. 23-12-54.

--

Sri A.M.Ramakrishnan is informed that his request to count his war service for purpose of his seniority in the category of supervisors is not admissible under the rules and that his seniority will be fixed with reference to the date of commencement of probation viz. 29-1-48. A copy of the Government Memo No. 29342 M/52-19, dt. 16-3-54 is furnished to him for information. His correct seniority will be indicated in the classified list as on 1-1-55 which is under preparation ine this office. Orders confirming him with effect from 29-1-48 against the vacancy reserved for him, are under issue separately.

2. The Executive Engineer, West Coast Dn. is being reminded for drawal of his arrears of pay due to him. He is requested to furnish the particulars of arrears of pay due to him from the Executive Engineers, West Coast Dn. Malampuzha Canals Dn. and Food Production Dn. Vellore.

U. Ananda Rao,
Chief Engineer, P.W.D.(Genl. & Bldgs.)

To Sri A.M. Ramakrishnan, Supervisor, Thro' the Project Executive Officer, South Kanara, Mangalore.

Encl:- Copy of Govt. Memo referred to.

Forwarded/By order.

Sd. Superintendent.

P.W.D (M3)

-55

Memo no. 12202-M/55-2 Dated 28.11.55

Estt.—P.W.D.— Sri A.M. Ramakrishnan, Supervisor on other duty in Community Project, Mangalore — Revision of Seniority — Requests

Ref:- ~~from Sri A.M.~~

Memo no. 33495 M/55-2 P.W & H 16.5.55 from Sri A.M. Ramakrishnan, petition dt 18.7.55 from the C.E. P.W.D (Hgl) Endt. no. 191 E II-1/55-10 dt 26.9.55

The Govt. do not see sufficient justification to comply with any of the requests contained in the petition cited. The petition cited is therefore rejected. The C.E. P.W.D (Hgl) is requested to inform the petitioner accordingly.

24.11.55 24.11.55

25/11/55

27.11.55

21/29/11 29/11 26/11

P 11 % (W)

P 1 & 4 CF.

P 1 CF

* Vide 'K' on p 3 N.F and note on p 5 N.F

+ para 8, p 6 CF

CENTRAL BRANCH

Despatcher

Date 30/11/55 ..... 195 . Despatcher's Initials.

To

The C.E. P.W.D (Hgl)

P.W.D.(M3)

Establishment--Public Works Department--Sri A.M. Ramakrishnan, Supervisor on other duty in Community Project, Mangalore--Fixation of seniority taking into account war service rendered by him--Request.

15-18
pp 3-6 C.F.
p 13 C.F.

Ref:- From Sri A.M. Ramakrishnan, petition dated 18.7.55.
From the Chief Engineer, Public Works Dept., (General) Endt.No.191 EII-1/55-10 dated 26.9.1955.

Please see the petition from Sri A.M. Ramakrishnan, Supervisor on pp-3-6 c.f. and the Chief Engineer's Endorsement thereon on p.1 c.f.

para 1, p 9 C.F.
para 3, p 3 C.F.
para 2, p 3 C.F.
'X', p 4 C.F.

2. The petitioner who passed the Upper Subordinate Diploma Examination in 1941, served in the Army for a period of about 5½ years from 15.4.1941. After his release from the Army in 1946, he was appointed as a Supervisor in the P.W.D. from 17.12.1946 under the emergency provision of the rules. He was subsequently selected by the M.P.S.C. for appointment as a Supervisor in one of the war-reserved vacancies. He was accordingly appointed regularly in a war-reserved vacancy from 29.1.1948 and has since been confirmed in the post of Supervisor from 29.1.1948. He has now made the following requests:-

para 4, p 4 C.F.

para 5, p 4 C.F.

(i) As a special case, his seniority in the category of supervisors may be fixed taking into account the war-service rendered by him, giving him the benefit of rule 6-B of the Madras Civil Services(war Service Personnel) Recruitment rules which was introduced in G.O.No.165, Public(Ser) dated 21.1.47 but was cancelled with retrospective effect from 21.1.1947 in G.O.No.975 Pub(Ser) dated 26.4.1948.

+ para 8, p 6 C.F.

++ vide pp 1-1(a) of (X)

— Do —

pp 1-2 of (P)

Or

(ii) If the above request cannot be complied with, his seniority may be fixed, based at least on the date of his first appointment in the P.W.D. under the emergency provisions, viz., 17.12.1946, in relaxation of the relevant rule.

para 8, p 6 C.F.

(p.t.o.)

3. The petitioner has stated that when he joined the Army he was given to understand that his war service will be taken into account in Civil employment for service benefits etc., that now he finds that he is placed in a disadvantageous position compared to the others who passed the Upper Subordinate Diploma Examination in 1941 and and subsequent years but who joined service in the P.W.D. straightaway instead of joining the Army, in as much as they are now seniors to him, as seniority ~~being~~ is fixed without taking into account the war-service rendered . If he had joined the P.W.D. in 1941 instead of taking up war-service, he would have been senior to many others who were his juniors in the College but are his seniors in service now. As his military service has thus adversely affected his prospects and promotion, he contends that his is a case deserving of special consideration.

4. Request (i) in para 2 above:- This request was already made by the petitioner and it was turned down in Memo.No.33495 H/55-2 Public Works dated 16.5.55. Rule 6B of the Madras Civil Services (War Service Personnel) Recruitment Rules which was introduced in G.O.No.165, Public(Ser) dated 21.1.47 permitted the fixation of the seniority of War-service (Candidates taking their war service) into account. This rule was however cancelled in G.O.No.975, Public(Ser) dated 26.4.48 with retrospective effect from the date on which it was introduced, viz., from 21.1.1947. Before cancelling the rule, the Government were aware of the fact that such cancellation would result in War-service candidates being worse off than their Civilian compeers who did not offer their services for the war and that it would also amount to a breach of faith and cause discontentment in the

(p.t.o.)

minds of war-service candidates. However as a matter of policy the Government decided to cancel the rule referred to above. They have also declined to reconsider the orders-vide Memo.No. 761/49-1 Public(Ser) dated 22.3.1949. Further, requests similar to that of the petitioner have been turned down in the past- vide the notes on pp.1-2 and 7-12 N.F. and the memo on p.35 c.f. of (R). In the circumstances there seems to be no case to revise the orders issued in Memo.No.33495 M/55-2, Public Works dated 16.5.55.

5. Request (ii) in para 2 above:-

It is submitted that normally this request is also inadmissible as emergency service does not entitle a person to any benefit. As a resul of his war-service, the petitioner has got the benefits which were admissible to similar war-service candidates, viz., appointment and confirmation in a war-reserved vacancy, and fixation of initial pay with an advance increment. However as he has lost a good number of places in the seniority list as a result of his joining the war-service in 1941 instead of joining the P.W.D. straightaway, and as this would affect the chances of his promotion considerably, it is for orders whether his request that his seniority may be fixed based on the date of his temporary appointment in the Public Works Departme viz. 17.12.1946, will be complied with as a specia case. If so, it seems that the provisions of rule 35(a) of the General Rules for the Madras State an Subordinate Services will have to be relaxed in his favour and the M.P.S.C. may also have to be consulted, since such a concession may upset the order of merit in which the successful candidates were arranged by the Commission.

6. After orders are passed, t file may be sent to Pub(Ser) for remarks.

ADDITIONAL SECRETARY TO GOVT. 18 NOV 1955 4851 PUBLIC DEPARTMENT

P.W.D Lr.No. 1220x-M/55-1, 12.11.55.

4

M

G II

Pub (Ser-C) deptt.

Pages 1-3 above may be perused.

2. 'X' on page 3 above + The hardship caused to the petitioner is not peculiar to him. The date of commencement of probation, 29-1-48 was presumably determined with reference to the order of ~~merit~~ preference indicated by the Commission while forwarding the list of candidates selected for appointment to the war reserved vacancies. It might be possible that some others in the list including those assigned higher places in the list had ~~might~~ also rendered service in the State as emergency Supervisors. Revision of the seniority of the petitioner would give rise to similar requests from the others. In view of this and in view of the time that has elapsed since his appointment on probation it does not seem necessary to revise the seniority of the petitioner. This deptt. may advise accordingly.

3. The file may be passed on to Fin.

18/11/55

Vr. 11.55

29-1-48 (Order issued on 7.4.52)

X

H85-1/55-1
24/XI/55

ASST. SECRETARY TO GOVERNMENT
Ser-C
23 NOV 1955
22714
PUBLIC WORKS DEPARTMENT

Fin (Ser)

DEPUTY SECRETARY TO GOVERNMENT
(CD C&S)
21 NOV 1955
E II
FINANCE DEPARTMENT

One note from pp 1-4 above may be perused.

Finance may concur in the views of Pub (Ser) above.

19/24/XI

Fin. U.O. (CD C&S 7-E II-1
29-11-55.

PWD (W)

Fin

5

P.W.D (M3)

Please see the notes of Pub (Sec) and Fin on p4 ante. In the circumstances stated therein, their ~~view~~ suggestion may perhaps be accepted and the request dealt with in para 5 on p3 ante may also be turned down. A draft memo rejecting the petition is submd for approval. (Otherwise, the papers may be filed with the memo at (W))

24.11.55

24.11.55

25/11/55

27.11.55

Note 'A' p4 ante